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tion, the experience of other countries, the fuller discussion of the subject, and perhaps more than all, the living proof that unsecularism is not irreligion, have undermined convictions once thought to be conscientious, but which time has shown to have been erroneously thought so. This is a healthy process, and one that may continue with advantage.

On Wednesday last the SPEAKER explained to the House the position of affairs in Mr. TOWNSEND's case. The explanation brought to light an apparent want of agreement between the Constitution Act and the Electoral Act, which has not before, we believe, been noticed, but which is worthy of attention. The reference was to the Committee of Elections and Qualifications, and the report of the committee.

impelled the SPEAKER to consider the meaning and force of both the 28th section of the Constitution Act and the 74th section of the Electoral Act, and a desire to give effect to both is at the foundation of the resolution he has taken. But it is a question whether, in endeavouring to give full effect to the earlier statute, he has not in some degree deprived the later statute of the effect it was intended to have. He has certainly not intended to do this.

It is not so certain that he has not failed to exercise powers which virtually devolve upon him. The question is whether there is a discrepancy between the two statutes which makes it expedient for him not to exercise the powers conferred by the later, or whether his powers under the later statute have not been conferred in view of just such a contingency as has actually arisen, but which should not be taken into account.

the Constitution Act provides in the 26th section that "if any person being a member of" the Legislative Assembly, "shall enter into any such contract or agreement" (that is, "for or on account of the public service") . . . "his seat shall be declared by the said . . . Legislative Assembly . . . to be void, and thereupon the same shall be . . .

come and be void accordingly." It also enacts that any person undertaking, holding, or enjoying any such contract shall be incapable of sitting or voting as a member of the Assembly, and it describes the possession of such interest in such contracts as a "disqualification." The Electoral Act, passed subsequently to the Constitution Act, provides that the Elections and Qualifications Committee "shall deter-

line finally on all questions referred to them, and if they shall . . . declare any sitting member to be unqualified or disqualified, the SPEAKER may issue a new writ for the holding of another election, and the person hereafter elected and duly returned shall be the member for the electoral district concerned."

ing a Government contract would not become void until the House declared it void, although the member would be disqualified for sitting or voting. But it is equally clear that, if the Electoral Act were read alone, the SPEAKER would require no other warrant for the issue of a new writ in such a case than the fact that the committee had declared the member to be disqualified. But the 25th

It is the manifest intention of the Electoral Act that fundamental questions as to the validity of elections, or the qualification or disqualification of members, shall not be inquired into or decided

by the House, but shall be disposed of by the tribunal much better fitted to dispose of them. The Elections and Qualifications Committee has been constituted for this purpose. Its members are sworn, like jurors, to well and truly try and determine the matters before them, and they have power to direct the attendance of witnesses, and to examine them upon oath—a power which the Assembly itself

does not possess. As we have already seen, when the committee determines that a member is disqualified, such determination is final; and, as if to make it the more clear that there shall be no question as to the finality of these specific determinations as to elections or qualifications, there is an express proviso giving the Assembly power to confirm or disagree with resolutions of another character reported

by the committee to the Assembly for its opinion.

Under these circumstances, although the Constitution Act requires the Assembly to declare void the seat of a member who has accepted a Government contract, it cannot be contended that the Assembly is thereby empowered to discuss any motion for the avoidance of a seat in such a case upon

its merits. The motion can only be regarded as a formal motion. It is imperative upon the Assembly to pass it. The Assembly has, even under the Constitution Act, no discretion in the matter. But even if the Constitution Act allowed a discretion, it could not be argued that the provisions of the Electoral Act, expressly designed to remove the power of conclusively deciding

such questions from the hands of the Assembly, would be overridden thereby. The only basis upon which the motion to declare the seat void could rest would be the disqualification of the sitting member; and the power to lay that basis is given wholly to the committee. So far, therefore, as the provision of the Constitution Act has force, it does not

But the Assembly cannot act unless upon the motion of one of its members. The Assembly cannot declare the seat void unless somebody move that it be declared void. What is everybody's business is nobody's. It is not the special duty of any member of the

Elections Committee to move in the matter, for when that committee has reported its functions have been discharged. It is not the special business of the leader of the Opposition, because questions like this are not party questions, but questions affecting the whole Chamber. If it be anybody's special business, it belongs to the head of the Government, as leader of the House. But

the leader of the House decline to take the lead, is the matter to drop? Is a constituency to remain unrepresented? It may reasonably be argued that the Legislature has, in the 74th clause of the Electoral Act, foreseen and provided for this very difficulty. When the committee has declared a member to be disqualified, the SPEAKER may issue a new writ for the holding of another election.

selection. And if there be any time when the SPEAKER should take such a responsibility upon himself, it is when no one comes forward to comply with the provisions of the Constitu-

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